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April 7, 2021

VIA ECF

Hon. Analisa Torres
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Ramon Abreu v. Torti Food, Corp., et al.*
Docket No.: 20-cv-10643 (AT)

Dear Judge Torres:

This firm represents Plaintiff Ramon Abreu, who brought the above-referenced matter against Defendants Torti Food, Corp., Demetria Chapman and Jose Perez (collectively as “Defendants”), his former employers, for violations of the Fair Labor Standards Act and New York Labor Law. Plaintiff and Defendants Torti Food, Corp. and Demetria Chapman are scheduled to engage in mediation through the SDNY mediation program on April 12, 2021. This matter is scheduled for an initial conference on April 15, 2021 at 10:40 a.m. As of this filing, Plaintiff has not yet been able to serve Defendant Jose Perez and is actively engaged in efforts to locate and serve him with the Summons and Complaint.¹ Having conferred with the assigned mediator and counsel for Defendants Torti Food, Corp. and Demetria Chapman, given the nature of Plaintiff’s allegations and the defenses asserted by Defendants Torti Food, Corp. and Demetria Chapman, it is unlikely that a resolution at mediation will be possible until Defendant Perez appears in this action. As result, the parties and assigned mediator believe it would be prudent to adjourn the upcoming mediation until Defendant Perez is served and appears in this action. Specifically, the parties expect that the matter will be ripe for mediation during June 2021.² Accordingly, Plaintiff requests, with the consent of and on behalf of Defendants Torti Food, Corp. and Demetria Chapman, that the parties be permitted until June 30, 2021 to complete mediation and that the initial conference be adjourned until a date convenient to the Court during July 2021. This is the parties’ first request for the relief sought herein.

¹ The Court extended Plaintiff’s time to serve Defendant Perez until April 30, 2021. D.E. 14.

² If successfully served, Defendant Perez’s Answer to the Complaint will be due during May 2021. Additionally, Plaintiff’s counsel is scheduled to be on leave to care for his spouse and newborn child following his birth for several weeks up to a month beginning in May 2021, with the duration of the leave depending on their medical needs. Due to these circumstances, the parties anticipate that the mediation can be conducted in mid- to late-June 2021.

We thank the Court for its kind consideration of this request.

Respectfully submitted,



DAVID D. BARNHORN, ESQ.

C: All Counsel of Record *via* ECF

GRANTED. The conference scheduled for April 15, 2021, is ADJOURNED to **July 7, 2021**, at **10:40 a.m.** By **June 30, 2021**, the parties shall submit their joint letter and case management plan.

SO ORDERED.

Dated: April 8, 2021
New York, New York



ANALISA TORRES
United States District Judge